

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LUIS JAIME,

Plaintiff,

v.

SULLIVAN CORRECTIONAL FACILITY
OFFICER REDDISH,

Defendant.

No. 24-CV-3819 (KMK)

ORDER OF SERVICE

KENNETH M. KARAS, United States District Judge:

Plaintiff Luis Jaime, who currently is incarcerated in the Upstate Correctional Facility, brings this action pro se asserting claims for damages and injunctive relief under 42 U.S.C. § 1983. He sues Correctional Officer Reddish, who is alleged to be assigned to the Sullivan Correctional Facility (“Sullivan”), a DOCCS prison located in Fallsburg, Sullivan County, New York. By order dated July 16, 2024, the Court granted Plaintiff’s request to proceed in forma pauperis (“IFP”), that is, without prepayment of fees.¹

For the reasons discussed below, the Court directs service on Officer Reddish.

I. Discussion

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the assistance of the Court and the United States Marshals Service (“USMS”) to effect service.² *Walker v. Schult*, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); *see also* 28 U.S.C. § 1915(d) (“The

¹ Prisoners are not exempt from paying the full filing fee, even when they have been granted permission to proceed IFP. *See* 28 U.S.C. § 1915(b)(1).

² Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have effected service until the Court reviewed the complaint and ordered that a summons issue. The Court therefore extends the time to serve until 90 days after the date that a summons issues.

officers of the court shall issue and serve all process . . . in [IFP] cases.”); Fed. R. Civ. P. 4(c)(3) (the court must order the USMS to serve if the plaintiff is authorized to proceed IFP).

To allow Plaintiff to effect service on Officer Reddish through the USMS, the Clerk of Court is instructed to fill out a USMS Service Process Receipt and Return form (“USM-285 form”) for Reddish. The Clerk of Court is further instructed to issue a summons for Officer Reddish and deliver to the USMS all of the paperwork necessary for the USMS to effect service of the summons and complaint upon Officer Reddish.

If the complaint is not served within 90 days after the date the summons is issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff’s responsibility to request an extension of time for service, even when relying on service by the USMS).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss this action if Plaintiff fails to do so.

II. Conclusion

The Court directs the Clerk of Court to mail an information package to Plaintiff.

The Court also instructs the Clerk of Court to issue a summons for Officer Reddish, complete a USM-285 form with the service address for Officer Reddish, and deliver all of the documents necessary to effect service of the summons and complaint upon Officer Reddish to the USMS.

The Court certifies, under 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and, therefore, IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

SO ORDERED.

Dated: September 11, 2024
White Plains, New York

A handwritten signature in black ink, appearing to read 'K. Karas', is written above a horizontal line.

KENNETH M. KARAS
United States District Judge

SERVICE ADDRESS FOR REDDISH

Correctional Officer Reddish
Sullivan Correctional Facility
325 Riverside Drive
P.O. Box 116
Fallsburg, New York 12733-0116